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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,975	02/19/2002	Petrus Henricus Cornelius Bentvelsen	NL010104	6523
24737	7590	03/19/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			TRUONG, THANHNGA B	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2135	
MAIL DATE		DELIVERY MODE		
03/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/078,975 <b>Examiner</b> Thanhnga B. Truong	<b>Applicant(s)</b> BENTVELSEN, PETRUS HENRICUS CORNELIUS <b>Art Unit</b> 2135
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2008.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 16-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6-10, and 19 is/are rejected.
- 7) Claim(s) 2-5 and 16-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Prosecution on the merits of this application is reopened on claims 1-10 and 16-19 considered unpatentable for the reasons indicated below:

Please see Notice of Withdrawal from Issue Branch mailed January 23, 2008. Claims 1-10 and 16-19 are pending.

#### ***Allowable Subject Matter***

2. Applicant is advised that the Notice of Allowance mailed November 07, 2007 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

The indicated allowability of claims 1-10 and 16-19 is withdrawn in view of the newly discovered reference(s) to Nagano (US 5,570,339). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-10, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagano (US 5,570,339).

a. *Referring to claim 1:*

i. Nagano teaches a method of embedding a secondary signal (inputted signal frequency signal, column 11, lines 61-67 of Nagano) of a secondary channel (interpreted as the channel which shows the flow of the key information inputted to the frequency generator 23 to the photomodulator 62, at Figure 15 of Nagano) in the bitstream of a primary signal (waveform string, column 11, lines 51-60 of Nagano) of a primary channel comprising:

(1) distorting the bitstream of the primary signal by a particular distortion (**in the photomodulator 62, the inputted waveform string and the inputted signal frequency signal are mixed and modulated a driving current of the semiconductor laser incorporated in the photomodulator 62, at column 11, line 66 through column 12, line 2 of Nagano**); and

(2) outputting the bitstream of the primary signal having the distorted bitstream (**the information signal is recorded in the rewritable optical disc 64, at Figure 15, and column 12, lines 2-8 of Nagano**),

(3) wherein the secondary signal is represented by the particular distortion (**Figure 23 generates a signal of single frequency according to the key information, at column 11, lines 61-65**).

b. Referring to claims 2 and 3:

i. Hagen further teaches:

(1) wherein distorting the bitstream of the primary signal comprises inserting local phase errors in the bitstream of the primary signal; wherein the absolute value of the phase error is chosen such that it is smaller than the channel clock period of the primary channel [*i.e.*, Hagen's invention also provides the encoding of the adaptive equalization operator, while allowing for some coding error, by means of a bit stream which may be separable from the bit stream of the primary coding algorithm (column 5, lines 8-12 of Hagen)].

c. Referring to claim 4:

i. Hagen teaches:

(1) wherein low frequency variations are introduced into the channel clock of the primary channel [*i.e.*, **Figure 5 illustrates one example of the**

estimator 33 of Figure 3. The target signal blocks and the primary coded signal blocks are pairwise Fourier transformed at 56 (other suitable frequency domain transforms may also be used) to produce the signals B(n) and BR(n), which are applied to a dividing apparatus 50 including a divider 51 and a simplifier 53. B(n) is divided by BR(n) at divider 51 to produce T(n), and the phase information is discarded by simplifier 53, so that only the magnitude information .vertline.T(n).vertline. is provided to the encoder 35 (column 8, lines 56-65 of Hagen)].

d. *Referring to claim 6:*

i. Nagano further teach:

(1) wherein the bitstream of the primary signal of the primary channel consists of a stream of bits (**which is inherently taught by Nagano as Nagano describes converting a sound signal into digital data using A/D converter, at column 11, lines 51-53 of Nagano**) for being recorded on an optical data carrier (**optical disc 64, at Figure 15 of Nagano**), in the form of lands and marks (**information pits, at Figure 15 of Nagano**).

e. *Referring to claim 7:*

i. Nagano further teach:

(1) wherein the secondary signal comprises a copy protection key or a digital right (**key information, at column 11, lines 61-65, and abstract of Nagano**).

f. *Referring to claim 8:*

i. This claim consists an apparatus for embedding a secondary signal of a secondary channel in the bitstream of a primary signal of a primary channel to implement claim 1 and is rejected with the same rationale applied against claim 1 above.

g. *Referring to claim 19:*

i. This claim has limitations that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

***Allowable Subject Matter***

5. Claims 2-5, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/  
Primary Examiner, Art Unit 2135

TBT  
March 26, 2008

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